RESOLUTION NO. _____ ***8**

A RESOLUTION OF THE CITY OF MILPITAS DIRECTING PREPARATION OF THE ANNUAL ENGINEER'S REPORT FOR LANDSCAPING AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT NO. 95-1

WHEREAS, on May 2, 1995, the City Council ordered the formation of and levied the first assessment within the City of Milpitas, Landscaping and Lighting Maintenance Assessment District No. 95-1 (the "Maintenance District"), pursuant to the Landscaping and Lighting Act of 1972 (commencing at Section 22500 of the California Streets and Highways Code), (hereinafter "the Act"); and

WHEREAS, Section 22620, *et seq*., of the Act provides for the levy of annual assessments after formation of the Maintenance District.

NOW, THEREFORE, the City Council hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

2. Within the Maintenance District, the existing and proposed improvements and any substantial changes proposed to be made to the existing improvements are generally as described on Exhibit "A," attached hereto and by this reference made a part of this Resolution.

3. The City Engineer is hereby designated as the Engineer of Work for purposes of the Maintenance District, and is hereby ordered to prepare and file an annual report in accordance with Section 22565, *et seq*., of the Act.

PASSED AND ADOPTED this ___ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

EXHIBIT A

DESCRIPTION OF WORK
LANDSCAPING AND LIGHTING
MAINTENANCE ASSESSMENT DISTRICT NO. 95-1

The Maintenance Assessment District is generally described as a district bounded on the east by Interstate 880, on the west by Coyote Creek, on the south by the State Route 237, and on the north by Dixon Landing Road as shown on the attached diagram.

The improvements within the Maintenance Assessment District consist of the maintenance and installation of any or all public landscaping and irrigation improvements adjacent to curbs of the following described streets, including jogging paths, planter walls, grass berms, pedestrian lighting and appurtenant irrigation systems; ornamental planting including lawns, shrubs, and trees; installation and maintenance of gateway columns and entry signs; such maintenance to include all necessary repairs, replacements, water, electric current, spraying, care, supervision, debris removal and all other items of work necessary and incidental for proper maintenance and operation thereof.

All such work shall be performed within the following areas:

N. McCarthy Boulevard

1) A strip of land including an earth berm approximately 50 feet in width from face of east curb line, from the southerly connection with Ranch Drive northerly 2,400 feet, more or less, to the northerly connection with Ranch Drive. A strip of land including a grass berm approximately 35 feet in width, west of the face of westerly curb, along the West Side of N. McCarthy Boulevard, from the southerly connection with Ranch Drive, northerly 2,400 feet, more or less. The initial phase includes a strip of land 6 feet wide on the west side of McCarthy Boulevard.

2) Commencing at a location approximately 2,400 feet north of State Route 237 thence proceeding north to the northern boundary of Lands of N. McCarthy, 7,800 feet more or less, a strip of land approximately 27 to 34 feet in width on each side along the east and west sides of McCarthy Boulevard between the northerly connection with Ranch Drive and Dixon Landing Road.

3) A median island from the southerly intersection with Ranch Drive northerly to the intersection with Dixon Landing Road.

4) Gateway Improvements, at the southerly intersection of N. McCarthy Boulevard and Ranch Drive and southerly of Bridge No 1 along N. McCarthy Boulevard, including curved stone planter walls, gateway columns with entry sign appurtenant mounding ornamental plantings including flat work, trees and ground cover, irrigation systems; all as shown on landscape plans.

5) Lighting costs in the Maintenance Assessment District are limited to the supplemental pedestrian lights installed between each of the two street lights on the section of curved walkway located on the East Side of N. McCarthy Boulevard. The conventional lighting along McCarthy Boulevard is not included.

Milpitas Entry Sign

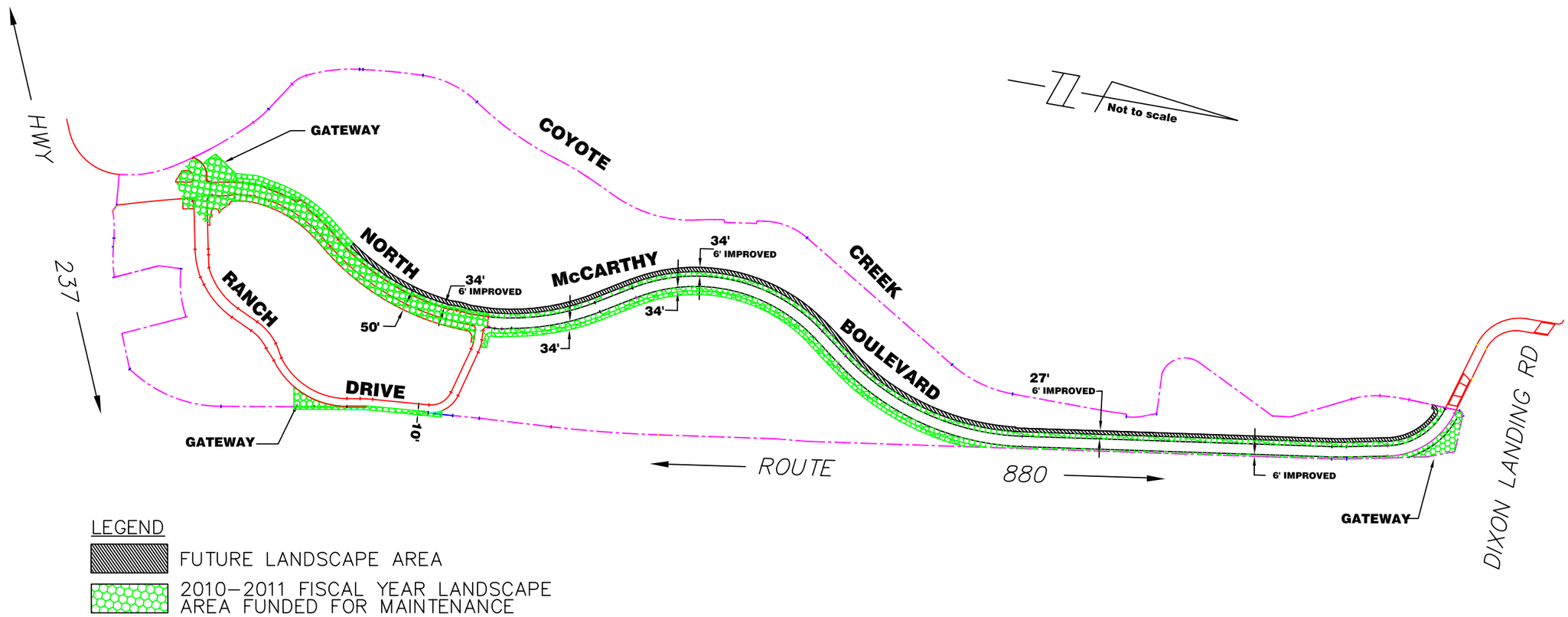
1) City of Milpitas Entry Identification Sign along N. McCarthy Blvd., including walls, columns, lighting and other appurtenant.

Ranch Drive

1) Commencing at a Northerly location where the right-of-way of Ranch Drive is contiguous with the right-of-way of Interstate 880, thence southerly, a strip of land approximately 10 feet in width measured from the east face of curb of Ranch Drive, from the northerly connection with Interstate 880 and Ranch Drive, southerly 630 feet, more or less, thence 405 feet south to the southerly end of Gateway location, varying in width from 10 feet to 132 feet, more or less.

2) Gateway Improvements, at the southerly connection of Ranch Drive and Interstate 880, including curved stone planter walls, gateway columns with entry sign appurtenant mounding ornamental plantings including flat work, trees and ground cover, irrigation systems; all as shown on landscape plans (Part A), except the Shopping Center's Monument Sign.

Figure 2



McCarthy Ranch

PART G – VICINITY MAP

LANDSCAPING & LIGHTING MAINTENANCE
ASSESSMENT DISTRICT NO. 95–1
CITY OF MILPITAS
COUNTY OF SANTA CLARA –STATE OF CALIFORNIA